

## COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County	)	
	)	
vs.	)	
	)	Docket No. 1956
Correctional Officer	)	
Martenia M. Shyne	)	
Star # 15302	)	

### DECISION

This matter coming on to be heard pursuant to notice before Vincent T. Winters, Board Member, on September 24, 2018, the Cook County Sheriff's Merit Board finds as follows:

#### Jurisdiction

Martenia M. Shyne, hereinafter Respondent, was appointed a Correctional officer on July 8, 2002. Respondent was assigned to different Divisions of the Cook County Department of Corrections ("CCDOC"), her last assigned was to Division V of the CCDOC, on May 8, 2016. Respondent's position as a Correctional Officer involves duties and responsibilities to the public; each member of the Cook County Sheriff's Merit Board, hereinafter Board, has been duly appointed to serve as a member of the Board pursuant to confirmation by the Cook County Board of Commissioners, State of Illinois, to sit for a stated term; the Board has jurisdiction of the subject matter of the parties in accordance with 55 ILCS 5/3-7001, *et seq*; and the Respondent was served with a copy of the Complaint and notice of hearing and appeared before the Board with counsel to contest the charges contained in the Complaint.

As a threshold matter, a proceeding before the Merit Board is initiated at the time the Sheriff files a written charge with the Merit Board. 55 ILCS 5/3-7012. A document is considered filed, in this case with the Merit Board, "when it is deposited with and passes into the exclusive control and custody of the [Merit Board administrative staff], who understandingly receives the same in order that it may become a part of the permanent records of his office." *See Dooley v. James A. Dooley Associates Employees Retirement Plan*, 100 Ill.App.3d 389, 395 (1981)(quoting *Gietl v. Commisioners of Drainage District No. One*, 384 Ill. 499, 501-502 (1943) and citing *Hamilton v. Beardslee*, 51 Ill. 478 (1869)); accord *People ex rel. Pignatelli v. Ward*, 404 Ill. 240, 245 (1949); *in re Annex Certain Terr. To the Village of Lemont*, 2017 IL App (1<sup>st</sup>) 170941, ¶ 18; *Illinois State Toll Highway Authority v. Marathon Oil Co.*, Ill. App. 3d 836 (1990) ("A 'filing' implies delivery of a document to the appropriate party with the intent of having such document kept on file by that party in the appropriate place." (quoting *Sherman v. Board of Fire & Police Commissioners*, 111 Ill. App. 3d 1001, 1007 (1982))); *Hawkyard v. Suttle*, 188 Ill. App. 168, 171 (1914 ("A paper is considered filed when it is delivered to the clerk for that purpose.")).

The original Complaint in this matter was filed with the Merit Board's administrative staff on January 20, 2017 and an amended complaint was filed on January 23, 2018. Regardless of whether or not Merit Board Members were properly appointed during a given term, the Merit Board, as a quasi-judicial body and statutorily created legal entity, maintained at all times a clerical staff not unlike the Clerk of the Circuit Court ("Administrative Staff"). These Administrative Staff members receive and date stamp complaints, open a case file, assign a case number, and perform all of the functions typically handled by the circuit clerk's office. Just as a timely filed complaint would be accepted by the circuit clerk even if there were no properly appointed judges sitting on that particular day, so too was the instant Complaint with the Administrative Staff of the Merit Board. Accordingly, the Complaint filed on January 20, 2017 commenced the instant action, was properly filed, and will be accepted as the controlling document for calculating time in this case.

### **Findings of Fact**

The Sheriff filed a complaint on January 20, 2017 and an amended complaint on January 23, 2018. The Sheriff is requesting termination.

On July 8, 2002, Respondent was appointed a Correctional Officer. Respondent had been transferred to different departments throughout her career. Respondent testified that she had been in contact with inmates that she knew were gang members however she initially told [REDACTED], an investigator with the Office of Professional Review, ("OPR"), that she did not have contact with any but later changed her answer. (Tr. 38 and 74). Respondent testified that she ran inmate [REDACTED]'s name more than 50 times in the system but did not have an answer as to why she did so. (Tr. 37, 38). During Respondent's OPR interview she admitted to knowing all of the listed inmates that she was provided and that she knew that they were all convicted felons and were gang affiliated (Tr. 38, 46). Initially Respondent told OPR that she only knew the inmates from the jail, but then changed her story to say that she knew them from her neighborhood (Tr. 39). Respondent admitted to having communications with [REDACTED] regarding how his brother [REDACTED], an inmate at CCDOC, was doing (Tr. 46). Respondent never documented that she was contacted by phone from an inmate [REDACTED] (Tr. 48). Respondent never documented that she had been contacted by inmates after they had been released, nor did she document that she had contact with known gang members, nor did she document that she had social media exchanges with detainees (Tr 46,60,70,71,76). Respondent testified that she knew the policy regarding contact with gang members and convicted felons (Tr. 76). Respondent admitted that she received a phone from an inmate on her birthday and that she told him to be careful over there in the jail but she never documented the call nor did she do the proper to/ from memo regarding her cousin [REDACTED] when he was in jail (Tr 77,78,79).

Martenia Shyne  
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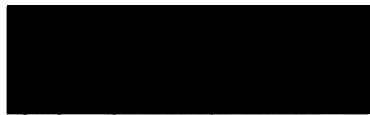
### **Conclusion**

Based on the evidence presented, and after assessing the credibility of witnesses and the weight given by the evidence in the record, the Board finds that Respondent did violate the Cook County Sheriff's General Order 3.8, 11.2.20.0, 11.2.20.1, as well as the Cook County Sheriff's Department Rules and Regulations, Article X, Paragraph B.

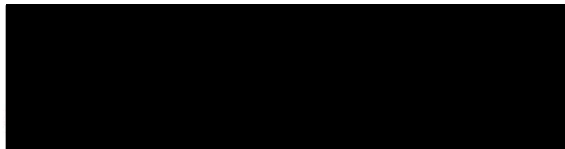
### **Order**

Wherefore, based on the foregoing, it is hereby ordered that Respondent Martenia M. Shyne be separated from the Cook County Sheriff's Office effective January 20, 2017.

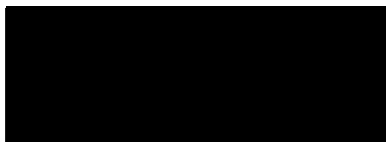
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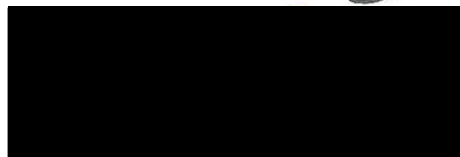
James P. Nally, Chairman



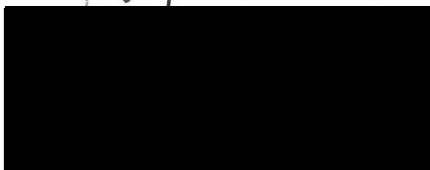
Byron Brazier, Vice-Chairman



John D'Alcandro, Secretary



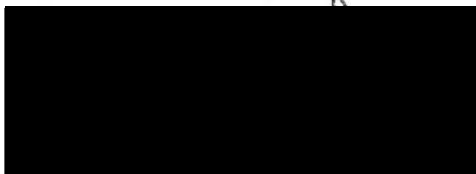
Kim R. Widup, Board Member



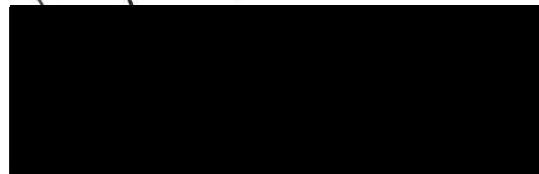
Vincent T. Winters, Board Member



Juan L. Baltierres, Board Member



Patrick Brady, Board Member



Gray Mateo Harris, Board Member

Date January 15, 2019